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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 761,100	01/16/2001	Philip H. Thompson	01827.0013.00US00	3670

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EXAMINER

MOTTOLA, STEVEN J

ART UNIT	PAPER NUMBER
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2817

DATE MAILED: 09/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

761100

Applicant(s)

Thompson

Examiner

Nottola

Group Art Unit

2817

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on August 13, 2002
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- Of the above claim(s) 4-7, 11-16 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-3, 8-10, 17-18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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The applicant's election of Group I, claims 1-10 and 17-18 with traverse is acknowledged. The applicant has noted that claim 4 includes the particulars of claim 11. Therefore claims 4-7 should be included with Group II, claims 11-16 as they are not restrictable therefrom. Therefore claims 4-7 and 11-16 will be withdrawn from consideration at this time, and an action on the merits of claims 1-3, 8-10 and 17-18 follows.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the FET embodiment of claim 3 and the integrated circuit of claim 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a)

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Claims 1,3,8-10,17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Stengel et al.

Refer to fig. 1 of Stengel et al. described beginning at line 61 of col. 2 of their disclosure. A splitter 106 divides the input signal into paths 108,110 and may be read as the input splitter claimed. One path includes a 90 degree phase shifter 114 that may be read as the claimed phase shifter. Carrier and peaking amplifiers 112,116 may be read as the like elements claimed. They include FET devices (note in re claims 3 and 18). Their outputs are combined in combiner 130 including a quarter wave element 136; the additional quarter wave element 138 connected to the combined path may be read as the matching circuit of claim 8. In regard to claim 17, figs. 3-4 show the integrated construction of the device of Stengel et al.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

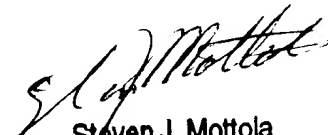
Claims 1-3,9-10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Mitzlaff.

Refer first to fig. 2 of Mitzlaff. A quadrature splitter 203 divides an input signal into paths 90 degrees out of phase and is functionally equivalent to the claimed splitter and phase shifter arrangement. Carrier and peaking amplifiers 205,207 may be read as the like elements claimed.

Art Unit:

Combiner 215 includes a quarter wave transmission line 217 so that the amplifier outputs are combined in phase. In regard to claims 3 and 18, Mitzlaff discloses the use of FETs for the amplifier elements (see fig. 6 and the last paragraph of col. 5). In regard to claim 2, it would have been obvious to substitute bipolar transistors because the applicant claims bipolars and FETs interchangeably, and both are well known types of transistors widely substituted for one another.

Any inquiry concerning this communication should be directed to Mr. Mottola at telephone number 308-4914.



Steven J. Mottola
Primary Examiner